

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

CHILCOTT *g*

DRISCOLL *LD*

IMAN *JR*

PLETTENBERG (Clerk & Recorder)

Date.....January 26, 2009

Members Present..... Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott, Commissioner Kathleen Driscoll and Commissioner J.R. Iman

Minutes: Beth Perkins

► The Board met for the continuance of the public hearing for Country Life Estates II major subdivision from January 15<sup>th</sup>. Present were Civil Counsel Dan Browder and Karen Mahar, Planner Tristan Riddell, Representative John Horat, Owners Doug and Lori Schallenberger and Gerald Robbins.

Commissioner Grandstaff opened the hearing and requested a recap of the previous meeting.

Tristan stated there was concern of the elk herd in the vicinity and a request to contact FWP (Fish, Wildlife and Parks). He stated he did receive a letter from FWP. Tristan also stated there was a question regarding the loop road submitted to legal counsel. He stated legal counsel did respond via legal memo. Tristan then recapped offered mitigation as \$500 per new lot for Hamilton Fire District with 20 feet width with one foot shoulders for the road, \$500 per new lot for public safety, and \$200 per new lot for general services.

John Horat stated the owners offered \$100 per lot mitigation for loss of agricultural land to the 4-H program. John presented the Board with data for the school districts enrollment. He stated with demographics changing, enrollment is down. He stated development is not adding students as previously estimated. He requested discussion of the offered mitigation of \$500 per lot for Corvallis School District. Commissioner Rokosch thanked John for his effort. He stated he would take it into consideration.

Commissioner Grandstaff reviewed the question of the elk herd and the letter from FWP. She stated FWP did not make any further recommendation. Commissioner Iman

questioned FWP not making any comment to begin with. Commissioner Driscoll noted for the record, FWP needs to submit more information in order to make a decision. Commissioner Rokosch stated there is a statewide effort for data and information at the level of resolution to provide credible evidence. He noted there would also be a database accessible to Planning Departments statewide. Commissioner Iman stated in the previous subdivision on the west side, FWP suggested putting in decent fences not adverse to wildlife. Commissioner Driscoll stated this has occurred over the past year and a half and she would like specific data for decision making.

Commissioner Grandstaff opened public comment for criteria five and six.

Gerald Robbins stated he is a homeowner affected by this development. He stated he submitted comments regarding this subdivision. He stated McCarthy Loop South is a county road and it is supposed to have a centerline along property boundaries. He stated the Schallenbergers have done that on the south portion but the remaining road does not have it. He discussed the portion of the road not improved being used with increasing traffic. Gerald also expressed his concern with dogs running loose and the elk herd. He stated he has seen elk on his property sometimes numbering over 70. He further discussed cumulative impacts of traffic, ATVs, dogs and if the impacts have been properly mitigated. He stated he does not believe the offered mitigation is adequate. He stated McCarthy Loop north bound is not up to standards and should it ever be reconstructed it would pose a hardship on existing structures. He stated now is the proper time to negotiate right-of-ways with the existing homeowners.

Doug Schallenger stated a logging truck is driven up and down McCarthy Loop everyday. He discussed the dust created and the impact on the road. He stated there are also a bicycle business and a pipe business that also incur impacts on the road. He stated the subdivision cannot be blamed entirely for the impacts on the road. Commissioner Rokosch requested clarification for the 10 foot easement to be donated. Lori replied there has been 60 feet of easement donated to the County on McCarthy Loop by her and Doug at the south portion of Country Life Estates. There will also be another 10 feet donated to the County.

**All voted criteria five sufficiently mitigated.**

Civil Counsel Dan Browder stated there is no legal basis within the road standards to have the developer improve McCarthy Loop to County standards leading back to Sleeping Child Road. He stated if there is a fact issued regarding the traffic and the facts show that there are impacts to the roadway it is a fact-issue for the Commissioners to sort out with the assistance of Road & Bridge Supervisor David Ohnstad. Commissioner Driscoll questioned if signage could be placed to discourage people from using the less improved portion of McCarthy Loop. David replied to his knowledge, no. Commissioner Chilcott stated residents that may have come from the north entrance may now deviate to the improved section. Civil Counsel Dan Browder stated the Commissioners have more leeway than previously thought with the regulations. He stated this is not a road standard and it could be used for dust abatement. (Section 5-4-8 miscellaneous improvements)

John Horat noted the Commissioners would have to hire someone to contest the determination of which direction people drive on the roads. Commissioner Rokosch stated it is a conversation to have with Road & Bridge Supervisor for traffic impacts on the secondary direction rather than the primary direction. Gerald stated the school bus uses that route to pick up children. He discussed dust abatement along the entire length and the Schallenbergers stated that they would be willing to apply dust abatement only to the portion leading east from Hayfield Lane to Sleeping Child Road. The Schallenbergers submitted a Traffic Impact Analysis with the subdivision application. He stated the scientific information should be considered and what that information is the outcome of the TIA. Civil Counsel Dan Browder discussed the primary access and stated it has been established that Hayfield Lane is the primary access and what the logical route should be as has been determined by the TIA. Commissioner Iman stated it is clear the total contributions of both subdivisions are over \$60,000 with the additional 10 feet easement. He questioned the dust abatement and the criteria for the property owners. David Ohnstad replied if one property owner wants to use the dust abatement they can without adjoining landowners or other users of the road participating in it. However, if the road is improved including easement width, obviously all affected landowners need to be on board. David stated determining usage is defined within the assessment process and part of the pro rata is to recognize the impacts of other roads leading to the subdivision. Commissioner Rokosch requested clarification of the mitigation of the dust abatement. Doug replied yes, they would pay for dust abatement from the primary access to Sleeping Child Road. He questioned paving the road instead of dust abatement. John replied it would be a variance request. David stated rather than continuing with dust abatement, it is encouraged to pave.

Commissioner Driscoll asked if paving the road could be directed. David replied yes it could. Commissioner Chilcott stated there are other roads higher in priority to be paved with pro rata funds and it should not be a case of "the squeaky wheel gets the grease". Discussion followed regarding the condition of waiving the right to protest a Rural Special Improvement District (RSID). David discussed the County's road improvements program. He stated that landowners pay for the price of oil and the County will provide the gravel and labor. He stated the cost of improving the road would be about 7 years of enrollment in the dust abatement program. He stated the priority for minor local access roads are low. Doug questioned where the \$35,000 goes. David replied it goes into a capital reserve fund for road improvements for the grader district. Gerald stated when the road improvement takes place there is concern of people losing part of their living rooms along the upper portion of McCarthy Loop. John replied it is beyond the scope of this project. John stated if the folks are concerned, they should submit letters of the concern with the easements.

Michael Howell stated there is an affect of the road and it is an ongoing problem. He stated there is a request for pro rata to mitigate the impacts to the road. He stated when developers pay the pro rata, it goes into the fund and the results are no improvements made directly to the road which really doesn't mitigate the impact to the road. He stated it is a serious problem.

Deputy County Attorney Karen Mahar noted that the current pro rata program is workable and lawful but the Commissioners have identified that subdivision review is an insufficient mechanism to address all road problems and tasked the County Attorney's Office to compile a list for more options. David Ohnstad stated while the existing process is not perfect, it does work. The alternatives may include more road districts. He stated there is a need to be cautious in moving forward with discussion but it is certainly not unworkable.

Commissioner Rokosch requested clarification of the language for the dust abatement issue to include the offset for the minimum of seven years. Commissioner Iman stated he does not believe that is legal to bind them for a length of time. Commissioner Chilcott stated he agrees to not put a timeframe on it. He discussed putting chip seal down and the Road Department doing the annual maintenance saving funds. David stated the value of the asphalt oil goes up every year. He suggested doing dust abatement up until chip seal is done. Tristan questioned if it is enforceable. Deputy County Attorney Karen Mahar stated it is a health and safety issue for the impacts of the dust and would be enforceable until the condition is no longer an issue. Tristan replied the language should be "Enrollment in the dust abatement program shall continue on an annual basis until the Ravalli County Road and Bridge Department determines dust abatement is no longer required because sufficient improvements to the road have been completed".

**Commissioner Rokosch, Commissioner Chilcott, Commissioner Iman and Commissioner Driscoll voted sufficiently mitigated. Commissioner Grandstaff voted non-sufficiently mitigated due to the impacts to the road.**

John discussed the findings of fact based on professional opinion for the walkways as an impact to public health and safety. Commissioner Driscoll stated she would like to see the walkways on the basis of public safety. John stated the Schallenbergers are willing to have a five foot wide gravel path separate from the roadway. Commissioner Rokosch discussed the need to add "ADA compliant" for the gravel compaction. Gerald reiterated the need to request 20 feet of additional easement for the road improvements. Commissioner Driscoll asked how wide the right-of-way is. Gerald replied the original surveys were incorrect and have since been corrected. Commissioner Chilcott stated it is not fair to have the Schallenbergers penalized for the incorrect surveys. Tristan stated there needs to be a re-vote for criterion one and three due to new information on the school district submitted by John Horat. John replied the offer is \$500 per new lot for the school district. Deputy County Attorney Karen Mahar recommended re-voting on all criteria due to Commissioner Chilcott's absence in the previous hearing.

**1. Effects on Agriculture:** \$100 per new lot to the 4-H program for education. All voted sufficiently mitigated.

**2. Effects on Agricultural Water Users:** All voted sufficiently mitigated.

**3. Effects on Local Services:** \$500 per new lot, for 6 lots, for school district, \$500 per new lot, for 6 lots, for fire district, \$500 per new lot for Public Safety \$200 per new lot, for 6 lots, for general services, amended Condition 13 to state that the shelter shall be built to house at least 4 children, amended Condition 14 regarding dust abatement, and

added Condition 18 regarding the addition of 10 feet of right-of-way along the western boundaries of lots 1 through 3 and southern boundary of lot 4 . Commissioner Chilcott and Commissioner Iman voted sufficiently mitigated. Commissioners Rokosch, Grandstaff and Driscoll voted non-sufficiently mitigated based on the offer to mitigate the impacts on the School District.

**4. Effects on Natural Environment:** All voted sufficiently mitigated.

**5. Effects on Wildlife and Wildlife Habitat:** All voted sufficiently mitigated.

**6. Effects on Public Health and Safety:** Construction of a 5-foot wide ADA compliant pathway along Hayfield Lane from the Cul-de-sac to the potential bus shelter.

Commissioners Rokosch, Chilcott, Iman and Driscoll voted sufficiently mitigated.

Commissioner Grandstaff voted non-sufficiently mitigated.

Tristan recapped the offered mitigation as \$500 per lot, for 6 lots, to the fire district, \$500 per lot, for 6 lots, to public safety services, \$500 per lot, for 6 lots, to the school district, the applicant will work with the school district for the bus shelter, dust abatement with the inclusion of language for the maintenance, Condition 17 for 5-foot wide ADA compliant walking path to the bus stop, Condition 18 which is the 10-foot right of way along the western portion of the property, Condition 19 which is \$200 per lot to general services, and Condition 20 which states the developer shall submit a receipt from the Montana State Extension Office on behalf of the Ravalli County 4-H program in the amount of \$600 prior to final plat approval.

**Commissioner Chilcott made a motion to approve Country Life Estates II Major Subdivision based on the findings of fact and conclusions of law in the Planning Staff Report and with the conditions as amended here today. Commissioner Iman seconded the motion. Commissioners Rokosch, Chilcott, Iman and Driscoll voted 'aye'. Commissioner Grandstaff voted 'nay' based on the subdivisions unmitigated impacts on McCarthy Loop. Motion carried.**

► Commissioner Chilcott participated in a conference call with MACo Urban Counties Legislation in the afternoon.

► The Board met with Hamilton City Planning Director Dennis Stranger for an update on the Transportation Plan. Present were Acting Planning Director John Lavey and Road & Bridge Supervisor David Ohnstad.

Dennis briefed the Commissioners on the Transportation Plan. He stated the City went through consultant review and selected one - Camp, Dresser and McKee from Helena. He stated they are also in the process of signing the contract within the next two weeks. He reminded the Commissioners of the County's responsibility to pay up to \$15,000 for this project. Dennis stated the State (MDOT) is doing the modeling portion of the Transportation Plan. He stated MDOT requested being informed of all major subdivisions to take into account for traffic impacts and to project traffic volumes. The City will be forming a technical committee of engineers, road supervisor, a commissioner and planners for direction of what parts of intersections to view first. David added he spoke with Keith Smith about the allocated 18 and the identified 13 to view for the study area.

He stated long term objectives are what the Town Council and Board of County Commissioners need to identify for the development of urban growth boundaries for predictable patterns such as annexation. He stated as for subdivisions, John Lavey needs to be involved to identify current proposals or attempt to predict what subdivisions are being created or proposed. He stated it is an important part of the plan and it's an ongoing challenge. Dennis stated it will be firmed up in a few weeks and requested any comments by today. Commissioner Driscoll requested Russell Street be included. Dennis replied it will be addressed.

Dennis stated they will need all the analyses (traffic studies) completed for all subdivisions. He stated another project is the Basis of Planning project. He stated it is a compilation of all subdivisions approved for GIS mapping and the transportation model. Dennis then discussed land use within the area for growth for the transportation plan. He stated it is in a graphical area and will be identified within a few weeks. Dennis noted there will be a public meeting for the City in the near future regarding their Growth Policy. Commissioner Grandstaff expressed her concern with the public confusing City with County for the Growth Policy. Dennis replied it will be clearly advertised to avoid confusion. He discussed the need to plan for growth within Hamilton. Commissioner Chilcott asked if Dennis is requesting the Board to implement new standards within a designated area or provide easement for engineers to put the standard in with curb, gutters and sidewalks. Dennis stated it will be discussed in the future.

David stated he and John will be pooling resources for the Town of Hamilton for the Technical Advisory Committee. There will be a more appropriate time for the BCC to be involved. He stated his concern is the Town Council and the history of communication issues with the public that needs to be recognized and part of this developing infrastructure of the program. He stated the design standards to be reviewed, need to be developed in context of where the city and county agreed upon to employ those standards. It may not be within the scope of the plan.

Dennis stated the Tax Increment Financing District has selected a consultant. He stated County participation is \$5,000. He stated Hamilton has entered into a sub-recipient agreement with RCEDA. He discussed giving \$10,000 to start the project to RCEDA and then get reimbursed later from CDBG grant. Dennis requested an agreement from the Board to pay the \$5,000 now with the matching funds from Hamilton City. Commissioner Grandstaff agreed to have the Internal Auditor Klarryse Murphy contact Craig Shepherd from the City to arrange payment. Commissioner Rokosch questioned the projected end-date for the feasibility study. Dennis replied it is approximately six months. Dennis stated this will also become the basis of planning analysis and can be used to encourage light industrial infrastructure. He stated the purpose is to not have competing businesses on the outskirts with businesses in town.

Dennis discussed working with County Environmental Health Department for the Cooper-Daly septic system. He discussed Environmental Health having educational efforts for cleaning up the water. He stated the concern is to get these people off of the septic systems. He stated Environmental Health Director Lea Jordan will be starting

testing within the next month or two. Dennis stated the City is required to have their own groundwater vulnerability study. He stated Environmental Health is currently documenting what the problem is with the money they have from the water quality grant. Discussion followed regarding the cost of water and sewer.

Commissioner Rokosch requested for the study analysis, to look at the next level of TMDL standards. Dennis replied they are looking at it but the standards are constantly being changed for clean up. He stated the next phase anticipates more strict requirements for treatment.